

*Family Liaison Office****Direct Communication Project***

Paper No. 22**Separate Maintenance Allowance**

This handout on the Separate Maintenance Allowance is a summary of Department of State Implementing Guidelines and is meant to be a guide. It does not replace the regulations found in the Department of State Standardized Regulations (DSSR) or the Foreign Affairs Manual (FAM). If you have questions, contact one of the following Department of State offices:

Office of Allowances (A/OPR/ALS) 703-875-7900 or Family Liaison Office (FLO) 202-647-1076

Background

Regulations on the Separate Maintenance Allowance (SMA) are in Chapter 260 of the Department of State Standardized Regulations. Revised effective October 1, 1995, Chapter 260 of the DSSR provides the authority, definition, and circumstances surrounding an SMA election. The Foreign Affairs implementing regulations are found in 3 FAM/FAH 3210.

Before the passage of the Foreign Service Act of 1980, employees were granted SMA only when family members were compelled or authorized by the Department to leave post or if they were unable to accompany the employee because of dangerous, unhealthy, or excessively adverse conditions at post. On August 18, 1981, the regulations for SMA were amended to include the option for an employee to request the allowance for family members for personal reasons based on special need or hardship.

Eligibility

An agency may authorize involuntary SMA when adverse, dangerous, or notably unhealthy conditions warrant the exclusion of family members from the area, or when the agency determines a need to exclude family members from accompany-

ing an employee to post. If the employee initiates a request for involuntary SMA based on medical reasons, supporting data must include a statement from the attending physician and a ruling by the ranking medical officer attached to the agency or by such other person or group as the head of agency may designate.

While the decision to elect voluntary SMA is a private one, the employee will be required to state on the SF-1190 application the reason for the separation and provide supporting data as cited in DSSR 264.2. SMA typically is granted for career, health, education, or family considerations of the spouse, children, or other family member. SMA may be requested on behalf of one or all of the employee's family members up to the age of 18 (see non-eligibility items 9 and 10 below).

Non-Eligibility for SMA

SMA is not allowed in the following instances (according to DSSR 261.1b):

1. When the spouse of an employee is either a member of the military services or is a U.S. Government civilian employee subject to worldwide assignment availability. (A spouse in leave without pay status is excluded from this restriction.)
2. When dependent parents, brothers, or sisters have not resided with the employee in a foreign area for a period of at least 1 year immediately prior to the date of separation.
3. When a legal separation exists between an employee and spouse; or when a separation occurs through a divorce decree, whether limited, inter-locutory, or final.

Note: A legal separation is deemed to exist at such time as either the employee or spouse initiates (1) an action affecting the status of the marriage such as a separation maintenance action (not to be confused with the separate maintenance allowance discussed in this paper), or (2) separation from bed and board short of application for divorce. A separate main-tenance action is one against a spouse for permanent or temporary support and maintenance for the moving spouse, and for support, maintenance, and education of minor children.

4. When a child's legal custody is vested wholly or in part in a person other than the employee or the employee's current spouse and the child actually resides with the non-employee parent.
5. When a child has been on educational travel in the previous 12 months.
6. When a family member is residing within the same country or is within 300 miles (one way road mileage) from the employee. This applies to volun-tary SMA only.
7. When the separation is for less than 90 con-secutive calendar days, including the first 90 days of the tour or the last 90

days of the tour. The 90-day rule may be reduced to 30 days under the following conditions (DSSR 262.3):

- a. adequate medical facilities are not available in the area for pre- or postnatal care;
 - b. members of the family are detained in the United States for medical clearance; or
 - c. children must begin or complete a school year before employee has arrived at post or after employee has departed on transfer to another post.
8. While the family member is eligible for travel per diem.
9. When a child is 18 years of age or older (21 years of age or older under involuntary SMA), unless s/he is attending secondary school or is incapable of self-support.
10. Three months from the date a child who is 18 years of age or older leaves secondary school.

Application Procedures

At the time of assignment, the employee may elect to place family members on the travel orders or opt for SMA and have the family members removed from the orders. During an assignment, the employee may request SMA for family members at post and they will then be removed from the travel orders. A change of election is allowed only once during a tour of duty.

When SMA is elected, all other benefits normally received by eligible family members are waived for the period of separation, including medical travel, home leave travel, educational travel, travel of children of separated families, and R & R travel. The employee will subsequently be treated as a single employee at post and receive housing and other allowances commensurate with his/her unaccompanied status if all family members are on SMA. Employees occupying government quarters who change their status during a tour may expect to have their housing adjusted if there is a shortage of adequate housing at the post.

To apply for SMA complete an SF-1190. The following information should be included:

- 1. A signed statement by the employee certifying the circumstances of the special need or hardship;
- 2. A reference to the subsection of the DSSR authorizing either voluntary or involuntary SMA;

3. The date on which the employee physically separates from the family member on whose behalf the allowance is requested;
4. The anticipated duration of the separation;
5. The date on which the employee commenced official travel and the date the family separated (these may be the same dates); and
6. A statement in Box 26 certifying that the family member receiving SMA is not involved in an action as discussed under non-eligibility items 3,4,9, or 10 above.

The SF-1190 should be submitted for approval to the appropriate official in the employee's agency.

STATE -- Executive Director of the appropriate regional bureau

AID -- Chief, FS Personnel

USIA -- Chief, FS Personnel

FAS -- Personnel Director, FAS

FCS -- Personnel Director, FCS

A request for voluntary SMA can only be disapproved by the following officials.

STATE -- Deputy Assistant Secretary, Personnel

AID -- Personnel Director

USIA -- Personnel Director

FAS -- Assistant Administrator, Management, FAS

FCS -- Director General, FCS

The employee will be informed in writing of ap-proval or disapproval within 15 working days of receipt by the approving official.

Commencement of Grant

An employee may apply for SMA on assignment to a new post or during an ongoing assignment. On assignment to a new post, the grant can commence as of the following (whichever is latest):

1. The date the employee submits the SF-1190 application for SMA grant;
2. The date of assignment;

3. The date on which the employee begins official travel under an order of assignment; or
4. The date on which the separation from the family member begins.

During assignment to a post, the SMA grant shall begin as of the following (whichever is later):

1. The date on which the employee submits the SF-1190 application for SMA grant; or
2. The date on which the separation from the family member occurs.

Termination/Suspension of SMA Grant

An employee may request termination of the SMA at any time during the tour of duty.

An employee must request termination of SMA under the following conditions:

1. When the person receiving the SMA grant is involved in a legal separation or otherwise no longer meets the criteria of a family member as defined in DSSR 261.1b; or
2. When the employee is transferred or separated as cited in DSSR 266.2 and 266.3.

An employee must request suspension of SMA when the family member visits the post for a period in excess of 30 days as cited in DSSR 266.1. SMA payments must be suspended from day one of the visit and cannot be resumed until the family member is again en route to the SMA location. Even when SMA payments are suspended, the employee is not eligible for any allowances or benefits available in the DSSR for a family member.

Change of Option

At the time of assignment, an employee must elect to have a family member included on the employee's travel orders or placed on SMA (voluntary). After this initial election, the employee may request that voluntary SMA commence or terminate, depending on the initial election, only once during a tour for each family member. However, this change cannot occur during the employee's first or last 90 days at post as described under non-eligibility item 7 above.

Special Circumstances: Effective March 24, 1991, the DSSR 264.2 was revised to allow employees to request voluntary SMA for eligible family members evacuated from post and to subsequently request termination of the SMA. The family members may then travel back to post provided that the travel is not within the last 90 days of the employee's tour of duty. The change in regulation applies only to those eligible family members authorized or ordered to depart from post and for whom trans-portionation has already been authorized.

Annual Rates

The annual rates for SMA as prescribed in DSSR 267 are dependent on the family com-position and size. Payments are made to the employee, who will determine how the allotment is to be disbursed. It is calculated on a 52-week payment schedule and is included in the employee's regular paycheck. IRS does not consider SMA payments to be part of the gross income of the employee. For SMA purposes, a child 21 years of age or older and incapable of self-support is con-sidered to be an adult. A child who is in school or college and is not working is not considered to be "incapable" of self-support.

Family Maintained Away from Post of Assignment October 1995

Family Member(s)	Annual Allowance
1 child only	\$ 3,500
2 or more children	\$ 6,000
1 adult only	\$ 6,800
1 adult and 1 additional family member	\$ 8,600
1 adult and 2-3 additional family members	\$10,600
1 adult and 4 or more additional family members	\$12,800

Transportation Costs

Travel and transportation costs are not cover-ed in Chapter 260 of the DSSR but are payable within the guidelines established by each agency. The shipment of effects under SMA authorization is addressed in 6 FAH - 162.4.

Commonly Asked Questions About SMA

Q: Are there any limitations on where family members on SMA choose to live?

A: Family members cannot reside in the same country or within 300 miles (one way road mileage) from the employee under voluntary SMA. Family members who personally elect to reside in a foreign area are considered by the Department to be officially residing in the United States for allowances and travel purposes.

Q: At what age must involuntary SMA terminate for a child?

A: SMA must be terminated on a child's 21st birthday, unless the child is determined to be incapable of self-support. A child who is in school/college and not currently working is not considered to be incapable of self-support.

Q: At what age must voluntary SMA terminate for a child?

A: SMA must be terminated on a child's 18th birthday, unless the child is attending secondary school or is determined to be incapable of self-support. Once a child leaves the secondary school, SMA may continue for up to 3 months.

Q: What constitutes a tour of duty?

A: The State Department considers the length of service at a post to be a tour of duty. An extension of duty at the same post does not confer on the employee a new set of SMA options.

Q: Are there occasions when an application for SMA should be made if the separation is for less than the 30/90-day periods of restriction?

A: Current regulations state that the earliest date for authorizing payment of SMA is the date on which the employee submits the SF-1190 application. However, a grant previously denied may be authorized for the entire period of separation once the actual separation meets the time limitations. Consequently, when the separation could last longer than first anticipated, an SF-1190 should be submitted.

Q: Is SMA payable if the employee is away from post temporarily?

A: As long as the employee is maintaining quarters at the post, SMA payments can continue.

Q: Can the employee get SMA when reassigned to the United States if his/her family remains temporarily at the post of assignment?

A: SMA payment cannot be authorized when an employee is assigned to the United States.

Q: When a family member visits post, how are the 31 days requiring the temporary suspension of the SMA counted?

A: When a family member visits the post, the period of time is counted from the family member's date of arrival to the day of departure for return to the SMA point.

Q: What happens if the employee is transferred to another post?

A: When an employee is transferred, SMA must be terminated. The employee must then elect to apply for SMA at the new post or have family members included on the travel orders.

Q: If a family member on SMA travels to the post at personal expense, will the Department assume any responsibility in the case of emergency?

A: When a family member travels to the employee's post at personal expense, the family member is considered to be a private citizen visiting the country. As such, that family member is not eligible for any of the allowances or benefits paid on behalf of family members of U.S. Government civilian employees, including any medical emergency evacuation travel. However, if the employee has not previously used the one change of option per tour s/he might be permitted to do so once an emergency arises.

Suggestions for Those Going on SMA

1. Take the Overseas Briefing Center's course, Dealing with Long Distance Relationships.
2. Set up a power of attorney for any expected (and unexpected) financial transactions. (M/FLO and the OBC have samples.)
3. Review wills of both parties and make any necessary updates.
4. Establish separate bank accounts (can still be joint) to keep records clear.
5. Establish areas of responsibility (who will pay what, contract for what, etc.), keeping in mind that the spouse in the United States will probably have more responsibilities.
6. Depending on circumstances, the family might consider some of the following:
 - Each spouse should teach the other those skills they usually use. Both should know how to put film in camera, fix loose wires, change fuses, sew on buttons, maintain financial records, and prepare food.
 - Divide kitchen utensils, cookbooks, rugs, furniture, books, and anything that will be needed in both locations. Make copies of favorite recipes.
 - Prepare family pictures, special books, music cassettes of favorite selections that will have psychological

importance.

7. Heighten awareness about income tax requirements, i.e., collection of certain receipts, invoices, etc.
8. Discuss how to make decisions about children.
9. Say good-bye. Plan appropriate parties and events. Remember that one spouse will be leaving even if the other won't. Be sure to include the children in these important good-byes.

During Tour of Duty

1. Cultivate a mentality of “the less hassle the better” for each spouse. Find help for lawn care, bill paying, house cleaning, shopping, if necessary. Find a reliable plumber, electrician, carpenter, and auto mechanic to call in emergencies.
2. Work on creative ways to communicate: telephone, e-mail, tapes, letters, faxes, news-paper and magazine clippings.
3. Take pictures of post, quarters, surrounding area, Embassy office, friends, so that spouse in the U.S. can feel what it's like at post.
4. Plan to see and call each other as often as finances allow.
5. Each write a journal, especially at the beginning. It can be a matter of self-preservation.
6. Talk about ground rules for what sort of information and emotions, especially emotions, can be shared and in what manner.
7. Remember that this experience is time-limited. Put on paper the reasons for accepting this separated assignment and refer to it periodically, as a reminder.

Resources

Shanor, Karen, *How to Stay Together When You Have to be Apart*, Warner Books, 1987.
What Do I Do Now?, Overseas Briefing Center, 1993.

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